

Remarks

Claims 4, 6, 10 and 11 are amended and claim 14 is added. Claims 1 to 14 are pending in this application of which only claims 1 and 6 are in independent form.

The applicants appreciatively acknowledge the Examiner's reminder that certified copies of the German patent application 101 21 704.4, filed on April 27, 2001, and PCT patent application no. PCT/EP 02/04570, filed April 25, 2002, had not been filed. These documents should have been included in the application papers which were sent to the PTO for entry into the national stage of the PCT application of which this is a continuation application. However, applicants have requested replacement copies and will file the same in the present application in advance of paying the issue fee.

The drawings were objected to and the objections with respect thereto are discussed under the drawing portion of this amendment.

On page 4, paragraph 6, of the action, the applicants have been requested to correct any errors which they may become aware of in the specification. Accordingly, the applicants have reviewed and corrected all the errors which they have found.

On page 4, paragraph 7, of the action, the disclosure was objected to because of the informalities noted. In response, applicants deleted the term "Spectiv" on page 2, line 2, and on page 7, line 7, "27" is changed to -- 37 --.

On page 4, paragraph 8, of the action, the specification was

Amendments to the Drawings:

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) because they included the numerical reference character "21" which was not referred to in the specification. Accordingly, the paragraph starting on page 7, line 6, is amended herein to incorporate reference numeral 21 which refers to the teeth on the rollers (19, 31):

The drawings were also objected to under 37 CFR 1.83(a) because the tensioning devices set forth in claim 11 and referred to in the disclosure on page 8, lines 22 to 24, must be shown. Accordingly, applicants propose to amend FIG. 3 to provide a schematic representation of the tensioning devices as shown on the annotated sheet of FIG. 3 submitted with this amendment. The tensioning device for imparting a predetermined tension to the coarse toothed belt is identified by reference numeral 52 in FIG. 3 and the tensioning device for imparting a predetermined tension to the fine toothed belt 27 is identified by reference numeral 54. The disclosure is amended in the paragraph starting on page 8, line 8, to incorporate reference numerals 52 and 54.

Attachment: Replacement Sheet
 Annotated Sheet Showing Changes

objected to for failing to provide a proper antecedent basis for the subject matter of claims 9 and 12. In response, the paragraph starting on page 8, line 8, is amended to incorporate the subject matter of claim 9.

With respect to claim 12, the disclosure is amended on page 5, between lines 3 and 4, to include a paragraph incorporating the subject matter of claim 12 to provide the needed antecedent basis in the disclosure for this claim.

Claim 12 recites that the fine drive unit can provide a positioning of the focus optic which is more precise by a factor of three than the coarse drive. On page 5, lines 4 to 8, the applicants disclose a suitable matching between the coarse and fine drives. A gear ratio of coarse and fine drives of 1:3 or more is advantageous. The transmission ratio can also be defined as the ratio of the two diameters of the driven wheel to the drive wheel.

As shown in the drawings, it is clear that the two driving toothed wheels of the coarse and fine drives, respectively, are different in diameter. The same is true of the driven toothed wheels of the coarse and fine drives. Accordingly, a different drive ratio is present between the coarse and fine drives.

In view of the above, applicants submit that the disclosure when considered together with the drawings does guarantee and disclose that the position of the focus optic is more precise by a factor of three as claimed in claim 12.

Also, the subject matter of the paragraph on page 5, starting at line 4, is embodied in added claim 14.

Claims 4 and 6 were objected to because of the informalities

set forth on page 5, paragraph 9, of the action. In response, applicants have amended claims 4 and 6 to make the corrections suggested by the Examiner.

In view of the above, the claims should now be definite and satisfy the requirements of the statute.

Applicants appreciatively note the allowability of claims 6 to 11 and 13. Accordingly, claim 6 is amended herein to incorporate therein all the features and limitations of claims 1, 4 and 5 from which it had depended and is now in independent form. Claims 7 to 11 and 13 are all dependent from claim 6 so that claims 6 to 11 and 13 should now be in condition for allowance.

Claims 1 to 5 and 12 were rejected under 35 USC 103(a) as being unpatentable over the Leica Company brochure (hereinafter referred to as "Leica") in view of Kashiba et al. The following will show that claim 1 patentably distinguishes the invention over this combination of references.

Leica discloses that the operator-controlled element is operatively connected to the focusing optic via only one belt drive. However, and in contrast to Leica, applicants' invention provides for a coarse drive unit including a coarse belt drive for operatively connecting the coarse drive unit to the focusing optic and a fine drive unit including a fine belt drive for operatively connecting the fine drive unit to the focusing optic. In the action, it is noted that Leica does not disclose the use of a fine drive system having a belt for driving the output shaft during a fine focusing process.

Applicants respectfully submit that the above deficiency in

Leica cannot be satisfied by Kashiba et al because this reference teaches the use of a slip mechanism. From the drawing of Kashiba et al, it can be seen that the focusing optic is displaced along the optical axis via only one operator-controlled element. The focusing unit is first moved (fine drive) connected to a belt 18 via the rollers 10 and 14 until the pin 9a entrains the toothed wheel 11 via the stop 11a (toothed wheel pairs 11, 17 and 15 - coarse drive). In this case, the toothed belt 18 slips over and beyond the two rollers 10 and 14 which is the slip mechanism. Here too, only one belt drive is operatively connected to the focusing optic.

From the above, it can be seen that nowhere in the combination of Leica and Kashiba et al is there any teaching of a coarse drive unit and a fine drive unit both operatively connected to the focusing optic as set forth in applicants' claim 1 with the clauses:

"a coarse drive unit for displacing
said focusing optic along said axis;

said coarse drive unit including a
coarse belt drive for operatively
connecting said coarse drive unit to said
focusing optic;

a fine drive unit for displacing said
focusing optic along said axis; and,

said fine drive unit including a fine
belt drive for operatively connecting said
fine drive unit to said focusing optic."

Kashiba et al is expressly based on the slip mechanism, that is, in a combined coarse/fine-drive, fine is adjusted only to a limited extent and then there is a jump over to the coarse adjustment. Without this slip mechanism, the entire operative

principle of Kashiba et al would not be possible.

The focusing optic assembly of the applicants' invention includes two belt drives for coarse and fine displacements, respectively. There is no suggestion in Kashiba et al which could enable the person of ordinary skill to retrofit the monocular telescope of Leica with a fine drive system having a belt for driving the output shaft during a fine focusing process. Thus, our person of ordinary skill could at most retrofit Leica with a slip mechanism taught by Kashiba et al but this would not enable our person of ordinary skill to realize the applicants' invention.

In view of the above, applicants submit that claim 1, patentably distinguishes the invention over the combination of Leica and Kashiba et al so that claim 1 should now be allowable. The remaining claims 2 to 5, 12 and 14 are all dependent from claim 1 so that these claims too should now be allowable.

Reconsideration of the application is earnestly solicited.

Respectfully submitted,



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